

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13078 of Rental Associates, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot in an SP-2 District at the premises 435-37 H Street, N.W. (Square 517, Lots 816 and 817).

HEARING DATE: October 24, 1979  
DECISION DATE: November 11, 1979

FINDINGS OF FACT:

1. The subject property is located on the north side of H Street near its intersection with Massachusetts Ave., in an SP-2 zone district at premises known as 435-37 H Street, N. W.
2. The subject property has been operated as a parking facility pursuant to this Board's Order No. 11941 dated June 4, 1976.
3. The applicant seeks permission to continue the operation of a parking facility at this site.
4. This application was granted pursuant to BZA Order No. 11941 on the condition that the applicant landscape the H Street frontage in accordance with a landscaping plan approved in a prior BZA Order No. 11262. The Board stipulated that such a landscaping plan be complied with within sixty days of the final date of Order No. 11941. A representative of the applicant testified that no landscaping existed at the present and that to his knowledge, no landscaping has been provided pursuant to the Board's Orders.
5. The applicant also did not seek relief from the conditions previously imposed by the Board, or submit an alternative plan.
6. The subject lots are part of a row of lots ~~owned by~~ the applicant which are used for parking purposes. The other lots do not require Board approval because they existed prior to the adoption of the present Zoning Regulations.

7. The photographs submitted by the applicant with the application show that the property is not well maintained, is shabby in appearance and has a deleterious effect on the area.

8. There was no report from Advisory Neighborhood Commission 2C on this application.

9. The applicant testified that he had assembled a majority of the property in this square for residential development and that development would likely occur within three years.

10. There are residential structures devoted to residential use adjacent to this property with well maintained lawns.

11. There was no opposition to the granting of this application.

#### CONCLUSIONS OF LAW AND OPINION

In considering an application for a special exception, the Board must find that an applicant has complied with the specific requirements of the Zoning Regulations set forth for that special exception, and also the general requirement of Sub-section 8207.2. The applicant presented no evidence or testimony as to how the proposed continuation met the requirements of Paragraph 4101.41. There was no information presented as to how the use would comply with the prohibition of commuter parking. The Board also notes that the applicant did not comply with specific requirements of the last Board order regarding the implementation of a landscape plan. The Board further notes that the applicant has been directed to landscape the lot at least twice in the past and has failed to do so. The Board notes that the appearance of the lot is very poor, and has an adverse effect on adjacent property. The Board therefore concludes that approval of the application would not be in harmony with the general purpose and intent of the Zoning Regulations and Map, and would tend to affect adversely the use of neighboring property in accordance with the Regulations and Maps. It is therefore ORDERED that this application is hereby DENIED.

VOTE: 3-0 (Walter B. Lewis and William F. McIntosh to deny; Leonard L. McCants to deny by proxy; Chloethiel Woodard Smith and Charles R. Norris not voting, not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

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ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION  
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER  
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE  
AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT"

FINAL DATE OF ORDER: 10 MAR 1980